BILL NO. S-89-12-52.

SPECIAL ORDINANCE NO. S-11-90

AN ORDINANCE approving the awarding of Reference #891 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and **S.E. JOHNSON COMPANIES, INC.** for the Water Maintenance Department.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference #891 between the City of Fort Wayne, by and through its Department of Purchasing and **S.E. JOHNSON COMPANIES, INC.** for the Water Maintenance Department, respectfully for:

> **the purchase of binder and surface top for 1990 for the Water Maintenance Department;**

involving a total cost of Fifteen Thousand and no/100+/- Dollars ($15,000.00+/-), all as more particularly set forth in said Reference #891 which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry
Councilmember

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay
J. Timothy McCaulay, City Attorney

REF. NO.:	891
DEPT.:	WATER MAINTENANCE
DATE:	12/14/89
ITEM/SERV.:	BINDER/TOP SURFACE

PURCHASING INFORMATION

ADVERTISED BID:	YES
DATES ADVERTISED:	10/30/89 & 11/6/89
OPENING DATE:	11/21/89
WRITTEN QUOTE:	
DUE DATE:	
VERBAL QUOTE:	
SINGLE SOURCE:	
NO. OF VENDORS NOTIFIED:	13
NO. OF VENDORS RECEIVING BID:	3
NO. OF VENDORS RETURNING BID:	3
NO. OF VENDORS DISQUALIFIED:	0
NO. OF VENDORS NOT RESPONDING:	10
DATE SENT TO DEPT FOR RECOMM.:	11/22/89
DATE RECOMMENDATION REC'D IN PURCH:	12/14/89

COUNCIL INFORMATION	DATES SENT	EXTENSION DATES
DATE INFO SENT TO LAW DEPT.:	12/14/89	
INTRODUCTION DATE:	12/26/89	
DISCUSSION DATE:	1/2/89	
PASSAGE DATE:	1/9/90	
ORDINANCE NO.:		

AMOUNT APPROVED AND/OR SPENT
LAST YEAR: (IF APPLICABLE)

REFERENCE NO. 891
BINDER/TOPPING
W M & S

ITEM	UNIT	S E	WAYNE	BROOKS
#5 BINDER	TON	$16.75	$18.00	$19.00
#9 BINDER	TON	$16.95	$18.00	$20.00
B MIX TOP	TON	$18.25	$20.00	$22.00
12 SURFACE TOP	TON	$19.50	$20.00	$22.00

FRONT PAGE/INVITATION TO BID
DEPARTMENT OF PURCHASING
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
ONE MAIN STREET - ROOM 350
PHONE 219-427-1101

BID OPENING DATE 11-21-89 @ 11:00 AM BID REFERENCE # 891

SEALED BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A.M. ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS & SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER".

THIS INVITATION FOR BID IS FOR BINDERS AND SURFACE TOPS

AND REQUESTED BY WATER MAINTENANCE & SERVICE

THIS BID REQUIRES A XXXXX $500.00 BID BOND, CERTIFIED OR CASHIER'S CHECK OF ALL BIDDERS.

THIS BID REQUIRES A _____ 100% PERFORMANCE BOND OF SUCCESSFUL BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: _____% IF PAID WITHIN _____ DAYS.

THIS INVITATION IS ISSUED TO ESTABLISH A CONTRACT TO SUPPLY THE CITY OF FORT WAYNE WITH A COMMODITY OR SERVICE IN ACCORDANCE WITH ACCOMPANYING SPECIFICATIONS.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME S. E. Johnson Companies, Inc.

STREET ADDRESS 201 S. Thomas Road

CITY Fort Wayne, IN PHONE # (219) 432-8886

BY Thomas H. Lintz

REPRESENTATIVE SIGNATURE
Thomas H. Lintz, Assistant Secretary

CITY OF FORT WAYNE
BINDER & SURFACE TOP REQUIREMENTS

THE CITY OF FORT WAYNE, INDIANA, IS REQUESTING BIDS FOR THE PURCHASE OF BINDER AND SURFACE TOPPING FOR THE DEPARTMENT OF WATER MAINTENANCE & SERVICE.

PRICES BID MUST BE EXACT AND HELD FIRM THROUGH THE TERM OF THE AGREEMENT. THERE SHALL BE NO ADDITIONAL CHARGES FOR DELIVERY, HANDLING OR ANY OTHER MISC FEES.

THE ANNUAL REQUIREMENTS FOR THESE MATERIALS ARE ESTIMATED AT 1500 TONS. ACTUAL QUANTITIES PURCHASED MAY BE MORE OR LESS.

TERM OF AGREEMENT: FROM TIME OF AWARD THRU 12-31-90

ITEM	PRICE PER TON
#5 BASE BINDER	$ 16.75
#9 BINDER	$ 16.95
B MIX TOPPING	$ 18.25
12 SURFACE TOPPING	$ 19.50

FOB Stoneco, Thomas Road Plant

Prescribed by the State Board of Accounts

Form No. 95 (Revised 1987)

BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)
(Please type or print)

Date: November 21, 1989

1. Governmental Unit: City of Fort Wayne
2. County: Allen
3. Bidder (Firm): S. E. Johnson Cos., Inc.
   Address: 201 S. Thomas Road, P.O. Box 12349
   City/State: Fort Wayne, IN 46863-2349
4. Telephone Number: (219) 432-8886
5. Agent of Bidder (If applicable): _____

Pursuant to notices given, the undersigned offers bid(s) to City of Fort Wayne (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

Thomas H. Lintz
Signature of Bidder or Agent
Thomas H. Lintz, Asst. Secretary

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)
) SS:
Allen COUNTY)

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

S. E. Johnson Cos., Inc.
Bidder (Firm)
Thomas H. Lintz
Signature of Bidder or Agent
Thomas H. Lintz, Asst. Secretary

Subscribed and sworn to before me this 21st day of November, 1989.

My Commission Expires: April 16, 1993

County of Residence: Allen

Jeannie Fredrick
Notary Public

Jeannie Fredrick
Notary Public Printed Name

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of _____ (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered _____ and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Date: _____

Contracting Authority Members:

_____ _____

_____ _____

_____ _____

THE CINCINNATI INSURANCE COMPANY

CINCINNATI, OHIO

Bid Bond

PUBLIC CONTRACTS

KNOW ALL MEN BY THESE PRESENTS, that we S. E. JOHNSON COMPANIES, INC.

as Principal, hereinafter called the Principal, and THE CINCINNATI INSURANCE COMPANY, a corporation duly organized under the laws of the State of Ohio, as Surety, hereinafter called the Surety, are held and firmly bound unto

CITY OF FORT WAYNE
PURCHASING DEPARTMENT

as Obligee, hereinafter called the Obligee, in the sum of

Five Hundred and 00/100 -Dollars ($ 500.00), for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for

Supplying binders and surface tops
Bid reference #891

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal within the period specified therein for acceptance (60 days if no period is specified) and the Principal shall enter into a contract with the said Obligee in accordance with the terms of said bid and give bond for the faithful performance thereof within the period specified (30 days if no period is specified); or if the Principal shall, in the case of failure to do so, indemnify the Obligee against any loss the Obligee may suffer directly arising by reason of such failure, not to exceed the penalty of this bond, then this obligation shall be null and void; otherwise to remain in full force and effect.

Signed and sealed this 21st day of November , 19 89

S. E. JOHNSON COMPANIES, INC.
(Principal) (Seal)

By: Thomas H. Lintz
Thomas H. Lintz, Assistant Secretary (Title)

THE CINCINNATI INSURANCE COMPANY
(Seal)

By: Donald R. Rush
Donald R. Rush Attorney-in-Fact

S-2000 (8/88) PUBLIC

THE CINCINNATI INSURANCE COMPANY

Cincinnati, Ohio

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That THE CINCINNATI INSURANCE COMPANY, a corporation organized under the laws of the State of Ohio, and having its principal office in the City of Cincinnati, Ohio, does hereby constitute and appoint

Louis H. Andrews; Donald R. Rush; William G. Niezer; Gerald C. Kramer, Jr.;
Fred L. Tagtmeyer and/or David G. McClure

of Fort Wayne, Indiana its true and lawful Attorney(s)-in-Fact to sign, execute, seal and deliver on its behalf as Surety, and as its act and deed, any and all bonds, policies, undertakings, or other like instruments, as follows: Any such obligations in the United States, in any amount with S.E. Johnson Companies, Inc. of Fort Wayne, Indiana, as principal or Stoneco, Inc.

This appointment is made under and by authority of the following resolution passed by the Board of Directors of said Company at a meeting held in the principal office of the Company, a quorum being present and voting, on the 6th day of December, 1958, which resolution is still in effect:

"RESOLVED, that the President or any Vice President be hereby authorized, and empowered to appoint Attorneys-in-Fact of the Company to execute any and all bonds, policies, undertakings, or other like instruments on behalf of the Corporation, and may authorize any officer or any such Attorney-in-Fact to affix the corporate seal; and may with or without cause modify or revoke any such appointment or authority. Any such writings so executed by such Attorneys-in-Fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company."

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 7th day of December, 1973:

"RESOLVED, that the signature of the President or a Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary and Treasurer and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power of certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company."

IN WITNESS WHEREOF, THE CINCINNATI INSURANCE COMPANY has caused these presents to be sealed with its corporate seal, duly attested by its Senior Vice President this 14th day of June, 1984.

The Cincinnati Insurance Company CORPORATE SEAL OHIO

THE CINCINNATI INSURANCE COMPANY

Daniel J. McCarthy

Senior Vice President

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

On this 14th day of June, 1984, before me came the above-named Senior Vice President of THE CINCINNATI INSURANCE COMPANY, to me personally known to be the officer described herein, and acknowledged that the seal affixed to the preceding instrument is the corporate seal of said Company and the corporate seal and the signature of the officer were duly affixed and subscribed to said instrument by the authority and direction of said corporation.

Henry G. Berlon

HENRY G. BERLON, Attorney At Law
Notary Public State of Ohio
My commission has no expiration date.
Section 147.03 R. C.

I, the undersigned Secretary and Treasurer of THE CINCINNATI INSURANCE COMPANY, hereby certify that the above is a true and correct copy of the Original Power of Attorney issued by said Company, and do hereby further certify that the said Power of Attorney is still in full force and effect.

GIVEN under my hand and seal of said Company at Cincinnati, Ohio.
this 21st day of November 19 89

The Cincinnati Insurance Company CORPORATE SEAL OHIO

Robert J. Dunham

Secretary and Treasurer

BN-1005 (6/84)

DIGEST SHEET

TITLE OF ORDINANCE: Special

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Reference No. 891 for binder and surface top for Water Maintenance for 1990. The cost reflects the lowest and most responsive of three (3) vendors.

S-89-12-52

EFFECT OF PASSAGE: The Department uses these materials to make necessary restoration to the streets after repairing main breaks, valve repairs, hydrant repairs, etc.

EFFECT OF NON-PASSAGE: Without these materials, street restoration could not be completed properly.

MONIES INVOLVED:	S E Johnson	$15,000.00 +/-
PRICE AGREEMENT:	Yes	
PURCHASE ORDER:		
SOURCE OF FUNDING:	Water Maint	513-522-M673-4299 513-522-M675-4299

PRIOR APPROVAL: DATE:
(IF APPLICABLE)

BILL NO. S-89-12-52

REPORT OF THE COMMITTEE ON CITY UTILITIES

PAUL M. BURNS, CHAIRMAN
MARK E. GiaQUINTA, VICE CHAIRMAN
HENRY, LONG, TALARICO

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving the awarding of Reference #891 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and S.E. JOHNSON COMPANIES, INC. for the Water Maintenance Department

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~)

DO PASS	DO NOT PASS	ABSTAIN	NO REC
Paul M. Burns			
Mark E. GiaQuinta			
Thomas P. Henry			
Glenn R. Long			
Samuel J. Talarico			

DATED: 1-5-90.

Sandra E. Kennedy
City Clerk

Read the first time in full and on motion by Henry, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference ~~Room 128~~, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock ____.M.,E.S.T.

DATED: 12-26-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Burns, seconded by Henry, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	8			1
BRADBURY	✓			
BURNS	✓			
EDMONDS	✓			
GiaQUINTA	✓			
HENRY	✓			
LONG	✓			
REDD	✓			
SCHMIDT				✓
TALARICO	✓			

DATED: 1-9-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) ~~(GENERAL)~~ (SPECIAL) (~~ZONING~~ MAP) ORDINANCE ~~RESOLUTION~~ NO. S-11-90 on the 9th day of January, 19 90,

ATTEST
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Charles S. Redd
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of January, 19 90, at the hour of 11:00 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 19th day of January, 19 90, at the hour of 3:45 o'clock P.M.,E.S.T.

PAUL HELMKE, MAYOR